

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DONGMEI LI,

Plaintiff,

v.

APPLE INC.; STEVE JOBS; and
AT&T INC.,

Defendants.

Civil Action No. 07-04005-LDW-ETB

**NOTICE OF MOTION TO ADMIT
WM. RANDOLPH SMITH
*PRO HAC VICE***

TO: C. Jean Wang
WANG LAW OFFICES
36-25 Main Street – 3rd Floor
Flushing, NY 11354

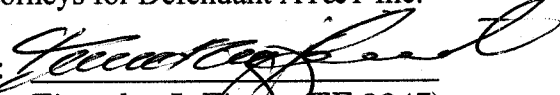
Michael B. Miller
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, NY 10104

PLEASE TAKE NOTICE that, upon the annexed affidavit of Timothy J. Fierst in support of this motion and the Certificate of Good Standing attached thereto, defendant AT&T Inc. will move this Court before the Honorable Leonard D. Wexler of the United States Courthouse for the Eastern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of Wm. Randolph Smith, a partner in the law firm of Crowell & Moring LLP and a member in good standing of the Bar of the District of Columbia, as attorney *pro hac vice* to argue or try this case. There are no pending disciplinary proceedings against Mr. Smith in any State or Federal court.

Dated: New York, New York
January 9, 2008

CROWELL & MORING LLP

Attorneys for Defendant AT&T Inc.

By: 

Timothy J. Fierst (TF:3247)

153 E. 53rd Street, 31st Floor

New York, NY 10022

Telephone: (212) 895-4200

Facsimile: (212) 895-4201

Email: tfierst@crowell.com

CROWELL & MORING LLP
153 East 53rd Street, 31st Floor
New York, NY 10022-4611
212-895-4200
212-895-4201 (Fax)

Attorneys for Defendant AT&T Inc.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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AFFIDAVIT OF TIMOTHY J. FIERST

TIMOTHY J. FIERST, being duly sworn, deposes and says:

1. I am Counsel to the law firm Crowell & Moring LLP ("Crowell & Moring"), attorneys for AT&T Inc., defendant in the above-captioned matter. I practice in Crowell & Moring's New York office.
2. I make this affidavit in support of the motion for Wm. Randolph Smith to be admitted to participate in this action *pro hac vice*.
3. I am admitted to the Bar of the United States District Court for the Eastern District of New York.


4. Accompanying this affidavit is the affidavit of Mr. Smith, attaching a Certificate of Good Standing from the court of each state in which he is admitted to practice law.

5. Mr. Smith is familiar with the facts of this case and AT&T Inc. requests that Mr. Smith appear on its behalf in this matter.

6. Wherefore the affiant respectfully requests that Mr. Smith be permitted to appear as counsel and advocate *pro hac vice* in the above-captioned case.


Timothy J. Bierst (TF:3247)

Sworn before me this
9 day of January, 2008


NOTARY PUBLIC

JAMIE C. KRAPP
Notary Public, State of New York
No. 02KR6154451
Qualified in Nassau County
Commission Expires 10/23/2010

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Defendants.

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**AFFIDAVIT OF WM. RANDOLPH
SMITH IN SUPPORT OF MOTION
TO PRACTICE *PRO HAC VICE***

District of Columbia

)

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Washington

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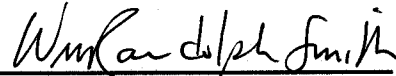
ss:

Wm. Randolph Smith, being duly sworn, hereby deposes and says as follows:

1. I am a partner in the law firm Crowell & Moring LLP, counsel for defendant AT&T, Inc. ("AT&T").
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned action as counsel for AT&T.
3. AT&T has requested that I actively participate in this action as its counsel.
4. If admitted to practice before this Court *pro hac vice*, I will pay all appropriate fees and conduct myself in accordance with the Local Rules of this Court.
5. As shown on the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the District of Columbia.
6. There are no pending disciplinary proceedings against me in any State or Federal court.

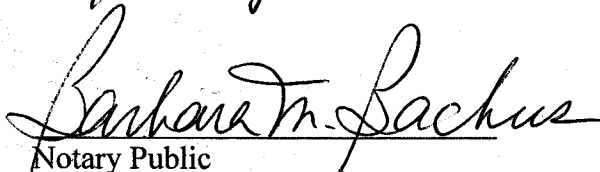
7. Wherefore, I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* in this action.

I declare under penalty of perjury that the foregoing is true and correct.

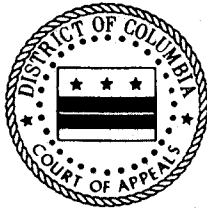


Wm. Randolph Smith
Crowell & Moring LLP
1001 Pennsylvania Ave., NW
Washington, DC 20004
rsmith@crowell.com
(202) 624-2700

Sworn before me and subscribed
in my presence this 8th day
of January, 2008


Notary Public

Barbara M. Backus
Notary Public, District of Columbia
My Commission Expires 7/14/2012



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia
Court of Appeals, do hereby certify that

WM. R. SMITH

was on the 28TH day of SEPTEMBER, 1981,
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on January
7, 2008.

GARLAND PINKSTON, JR., CLERK

By: 
Deputy Clerk

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**ORDER GRANTING
ADMISSION OF WM. RANDOLPH
SMITH PRACTICE *PRO HAC VICE***

The motion for admission of Wm. Randolph Smith to practice *pro hac vice* in the above captioned matter is granted. The admitted attorney, Wm. Randolph Smith, is permitted to argue or try this particular case in whole or in part as counsel.

Mr. Smith is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy in the Clerk's office.

This Order confirms Mr. Smith's appearance as counsel in this case, and it will be entered in the Court's docket. A notation of his admission *pro hac vice* for the above-captioned case will be made on the roll of attorneys.

Mr. Smith must serve a copy of this Order on all other counsel of record in this case.

Dated: _____, 2008

United States District Judge

CROWELL & MORING LLP
153 East 53rd Street, 31st Floor
New York, NY 10022-4611
212-895-4200
212-895-4201 (Fax)

Attorneys for Defendant AT&T Inc.

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CERTIFICATE OF SERVICE

TIMOTHY J. FIERST, being of full age, and under penalty of perjury, certifies the following:

1. I am employed at the law firm of Crowell & Moring LLP, counsel for defendant AT&T Inc. in the above-captioned matter.
2. On January 9, 2008, I caused a true and correct copies of the foregoing documents to be served upon all counsel of record in the above-captioned matter via the Court's ECF system.

I hereby certify that the foregoing statements are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

Dated: January 9, 2008

By:


Timothy J. Fierst, Esq.